THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.15111 of 2007

Dated: 07.08.2007

Between:

Kasi Umashankar.

.... PETITIONER

AND

The District Collector & Executive Director, A.P.State Housing Corporation Ltd., Machilipatnam, Krishna District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.15111 of 2007

ORDER:

This writ petition is filed seeking to declare the proceedings dated 10.06.2007 of the 1st respondent, placing the petitioner under suspension, as illegal and arbitrary, and consequently, to direct the respondents to continue the petitioner as Mandal In-charge, Agripalli Mandal, Krishna District.

2. The petitioner, who worked as Mandal In-charge in the respondent-Corporation for Bapulapadu Mandal up to 28.03.2007, was placed under suspension, pending enquiry, by impugned proceedings dated 10.06.2007, alleging that he committed certain irregularities in "Indiramma 2006-2007 Housing Programme". The petitioner states that he is only a Technical Engineer and follows the instructions of the officials concerned, and he is not the competent person to identify the beneficiaries under the scheme and it is the duty of the Mandal Revenue Officer to identify the beneficiaries. He further states that the Mandal Revenue Officer prepared a list of beneficiaries for allotment of houses under Indiramma Housing Scheme, and sent the same to the 3rd respondent, and based on the instructions of the 3rd respondent only, he constructed the houses. The grievance of the petitioner is

that even though he acted as per the instructions of 3rd respondent, and he has nothing to do in identifying the eligible beneficiaries for allotment of houses under the scheme, the 1st respondent, without issuing any show cause notice and without giving any opportunity, based on the instructions of the superiors and the news item published in 'Vartha' newspaper, passed the impugned suspension order, which is illegal and arbitrary. Hence, he filed the present writ petition.

3. The learned counsel for the petitioner submitted that the petitioner has noting to do with the allegations mentioned in the news item published in Vartha, and no specific allegation is mentioned against the petitioner in the impugned order with regard to the alleged irregularities. He further submitted that the 1st respondent, without assigning any reasons and without issuing any show cause notice and affording any opportunity, passed the impugned suspension order. He, thus, prays to set aside the impugned suspension order and allow the writ petition.

4. On the other hand, the learned Government Pleader for Housing submits that the 2nd respondent has instructed the 3rd respondent-Deputy Executive Engineer (Housing), Nuzvid, to submit a detailed report on the news item "Anarhulake Indiramma Runalu" published in 'Vartha' daily news paper, and in pursuance of the said instructions, the 3rd respondent, after conducting a preliminary enquiry into the matter, submitted a report dated 15.06.2007 stating that certain irregularities have taken place in Indiramma Housing Scheme, and therefore, the petitioner was placed under suspension, and no exception can be taken thereto.

5. Heard the learned counsel for the petitioner and the learned Government Pleader for Housing, and perused the material on record.

6. A perusal of the report dated 15.06.2007 submitted by the 3rd respondent does not reflect whether the petitioner is actually involved in the said allotment of houses or not, and there is no mention about the role played by the petitioner in allotment of houses.

7. In the circumstances, the petitioner is directed to submit detailed representation to the respondents along with relevant material available with him seeking revocation of his suspension, and on such representation being made, the respondents are directed to consider the case of the petitioner for revocation of his suspension taking into consideration the report of the 3rd respondent and the material to be filed by the petitioner, and pass appropriate orders thereon, in accordance with law.

7. Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 07.08.2007

sj